



3754

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:

Ronald D. Shinogle

Grp. Art. Unit: 3754

Application No: 09/851,739

Examiner: John Kwon

Filing Date: May 9, 2001

Date: October 31, 2002

FUEL INJECTOR WITH NON-METALLIC TIP
INSULATOR

Atty Dkt No: CAT 00-151

RECEIVED
NOV 13 2002
#4
11/13/02
J. KwonRESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated October 2, 2002, please consider the following remarks and provisional election.

The claims currently stand restricted to claims 1-11 drawn to fuel injection and claims 12-20 drawn to an internal combustion engine. The restriction is justified on an assertion that the sub-combination (fuel injector) has separate utility as a nozzle. Applicant respectfully disputes the basis of the restriction requirement. Therefore, Applicant traverses the restriction requirement and requests reconsideration.

There should be no dispute that claim 1 essentially is directed to cover a nozzle portion of a fuel injector. Therefore, it appears that the restriction requirement is justified on the basis that the sub-combination (claim 1) can find utility in another sub-combination (nozzle), which is essentially claim 1. Thus, it appears that the restriction requirement is justified on the basis that the invention defined by claim 1 could find utility in another sub-combination that is the same as what is defined in claim 1. Because the grounds for the restriction requirement lacks cogency, Applicant respectfully requests that the same be reconsidered and that the restriction requirement be withdrawn.

I certify that this paper or fee was mailed with sufficient postage via first class mail on the 31st day of October, 2002 to the Assistant Commissioner for
Patent, Washington, D.C. 20231; Name Printed: Carrie Stremming; Signature: *Carrie Stremming*

It would be unfair to require the Applicant to file two separate patent applications when the Patent and Trademark Office has treated many similar applications as not requiring restrictions. In particular, a quick search in the field of Caterpillar fuel systems patents reveals that there are many instances in which patent applications directed to fuel injectors also include claims directed to an engine having the claimed fuel injector, as in this case. Therefore, Applicants respectfully request that this application be treated in a like manner as previous similar patent applications on related subject matter.

In order to be responsive to the restriction requirement, Applicant provisionally elect Group I and claims 1-11 for substantive examination in the event that the examiner refuses to reconsider the outstanding restriction requirement.

Respectfully Submitted,



Michael B. McNeil

Reg. No. 35,949